

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6093
BILL NUMBER: SB 5

DATE PREPARED: Oct 27, 1998
BILL AMENDED:

SUBJECT: Domestic violence considerations in domestic cases.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill establishes a rebuttable presumption that a parent who has demonstrated a pattern of domestic violence may not be awarded sole or joint custody of a child. The bill provides that presumption applies to both dissolution of marriage and paternity cases. It provides that domestic violence includes physical or sexual abuse regardless of whether the abuse resulted in a criminal prosecution.

This bill allows the presumption to be rebutted only: (1) upon evidence that the parent has successfully completed a treatment program and is not abusing alcohol or drugs; and (2) upon a showing that it is in the best interests of the child because of the conduct of the other parent. The bill allows a court to order only supervised visitation, if any, with a parent who has demonstrated a pattern of domestic violence, conditioned on the parent's participation in a domestic violence treatment program. It provides that unsupervised visitation may be ordered if certain additional conditions are met. The bill prescribes guidelines for a court to follow in determining custody when both parents have demonstrated a pattern of domestic violence.

This bill prohibits a court from ordering a party in a domestic relations proceeding to participate in counseling or mediation if the court finds that the other party has demonstrated a pattern of domestic violence against the party or a child of the parties.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill requires a custodial parent to complete a domestic violence treatment program in cases where both parents have demonstrated a pattern of domestic violence. It is assumed that the custodial parent will pay for the cost of the domestic violence treatment program and not

the court. In cases where the custodial parent may have difficulty paying for the program, it is assumed that a social service agency will prorate the payment using a sliding scale.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts.

Information Sources: